Senate



General Assembly

File No. 386

January Session, 2013

Substitute Senate Bill No. 710

Senate, April 8, 2013

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The Committee on Public Safety and Security reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PERMITS FOR GUN SHOWS AND TO SELL LONG GUNS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- Section 1. Section 29-37g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):
 - (a) For the purposes of this section, (1) "gun show" means any event (A) at which fifty or more firearms are offered or exhibited for sale, transfer or exchange to the public and (B) at which two or more persons are exhibiting one or more firearms for sale, transfer or exchange to the public; [and] (2) "gun show promoter" means any person who organizes, plans, promotes or operates a gun show; and (3) "local authority" means the chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town.
- 11 (b) Not later than [thirty] <u>sixty</u> days before commencement of a gun 12 show, the gun show promoter shall [notify the chief of police or, where

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there is no chief of police, the warden of the borough or the first 13 14 selectman of the town in which the gun show is to take place of the 15 date, time, duration and location of the gun show] apply to the local authority of the city, town or borough in which the gun show is to take 16 17 place for a gun show permit. Such application shall be in the form and 18 manner prescribed by the local authority and shall include the 19 proposed date, time, duration and location of the gun show and any 20 information the local authority deems necessary to determine the 21 applicant's suitability to be a gun show promoter. The fee for a permit 22 issued pursuant to this subsection shall be two hundred dollars. The 23 local authority may issue a gun show permit to any applicant it 24 determines is suitable to be a gun show promoter. If the local authority 25 determines that the applicant is not suitable to be a gun show promoter, it shall notify the applicant of such decision in writing not 26 27 later than thirty days after receiving the application. No fee or portion 28 of any fee paid under the provisions of this subsection for a gun show 29 permit shall be refundable, except if the permit for which the fee or 30 portion was paid was not issued. No person shall operate a gun show 31 without first obtaining a gun show permit from the local authority of 32 the city, town or borough in which the gun show is to take place. Any 33 gun show permit issued pursuant to this subsection shall be valid only 34 for the gun show for which it is issued.

(c) No person, firm or corporation shall sell, deliver or otherwise transfer a firearm at a gun show until such person, firm or corporation has complied with the provisions of section 29-36*l*.

Sec. 2. (NEW) (Effective October 1, 2013) (a) No person who, in a calendar year, sells ten or more firearms, as defined in section 53a-3 of the general statutes, other than pistols or revolvers, or who is a federally licensed firearm dealer shall advertise, sell, deliver, or offer or expose for sale or delivery, or have in such person's possession with intent to sell or deliver, any such firearm at retail without having a permit therefor issued as provided in this subsection. The chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the

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application of any person, issue a permit in such form as may be prescribed by the Commissioner of Emergency Services and Public Protection for the sale at retail of firearms other than pistols and revolvers within the jurisdiction of the authority issuing such permit. No permit for the sale at retail of any such firearm shall be issued unless the applicant holds a valid eligibility certificate for a pistol or revolver issued pursuant to section 29-36f of the general statutes or a valid state permit to carry a pistol or revolver issued pursuant to subsection (b) of section 29-28 of the general statutes and the applicant submits documentation sufficient to establish that local zoning requirements have been met for the location where the sale is to take place, except that any person selling or exchanging a firearm other than a pistol or revolver for the enhancement of a personal collection or for a hobby or who sells all or part of such person's personal collection of such firearms shall not be required to submit such documentation for the location where the sale or exchange is to take place.

- (b) Notwithstanding the provisions of sections 1-210 and 1-211 of the general statutes, the name and address of a person issued a permit to sell at retail firearms other than pistols and revolvers pursuant to subsection (a) of this section shall be confidential and shall not be disclosed, except (1) such information may be disclosed to law enforcement officials acting in the performance of their duties, including, but not limited to, employees of the United States Probation Office acting in the performance of their duties, and (2) such information may be disclosed to the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500 of the general statutes, as amended by this act.
- (c) The fee for each permit originally issued under the provisions of subsection (a) of this section shall be two hundred dollars and for each renewal of such permit two hundred dollars. A permit issued pursuant to subsection (a) of this section shall expire five years after the date it becomes effective and each renewal of such permit shall expire five years after the expiration date of the permit being renewed.

(d) No sale of any firearm other than a pistol or revolver shall be made except in the room, store or place described in the permit for the sale of such firearms, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where such firearms are sold or offered or exposed for sale. No sale or delivery of any such firearm shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such firearm or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his or her identity. The vendor of any such firearm shall keep a record of each such firearm sold in a book kept for that purpose, which record shall be in such form as is prescribed by 27 CFR 478.125. The vendor of any such firearm shall make such record available for inspection upon the request of any sworn member of an organized local police department or the Division of State Police within the Department of Emergency Services and Public Protection or any investigator assigned to the statewide firearms trafficking task force established under section 29-38e of the general statutes.

- (e) Any person violating any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than three years, or both, and any firearm other than a pistol or revolver found in the possession of any person in violation of any provision of this section shall be forfeited.
- Sec. 3. Section 17a-500 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):
 - (a) Each court of probate shall keep a record of the cases relating to persons with psychiatric disabilities coming before it under sections 17a-75 to 17a-83, inclusive, 17a-450 to 17a-484, inclusive, 17a-495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-576, inclusive, and 17a-615 to 17a-618, inclusive, and the disposition of them. It shall also keep on file the original application and certificate of physicians required by said sections, or a microfilm duplicate of such

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records in accordance with regulations issued by the Probate Court
Administrator. All records maintained in the courts of probate under
the provisions of said sections shall be sealed and available only to the
respondent or his or her counsel unless the Court of Probate, after
hearing held with notice to the respondent, determines such records
should be disclosed for cause shown.

- (b) Notwithstanding the provisions of subsection (a) of this section, the Commissioner of Mental Health and Addiction Services, in accordance with section 17a-499, shall maintain information on commitment orders by a probate court and shall provide such information to the Commissioner of Emergency Services and Public Protection in fulfillment of his obligations under sections 29-28 to 29-38, inclusive, and section 53-202d and section 2 of this act, in such a manner as to report identifying information on the commitment status, including, but not limited to, name, address, sex, date of birth and date of commitment, for a person who applies for or holds a permit or certificate under said sections 29-28 to 29-38, inclusive, and section 53-202d and section 2 of this act. The Commissioner of Emergency Services and Public Protection shall maintain as confidential any such information provided to him and shall use such information only for purposes of fulfilling his obligations under sections 29-28 to 29-38, inclusive, and section 53-202d and section 2 of this act, except that nothing in this section shall prohibit said commissioner from entering such information into evidence at a hearing held in accordance with section 29-32b, as amended by this act.
- (c) (1) The Commissioner of Mental Health and Addiction Services shall obtain from the Commissioner of Emergency Services and Public Protection the status of any firearm application, permit or certificate under sections 29-28 to 29-38, inclusive, and section 53-202d <u>and section 2 of this act</u>, of each person who is the subject of an order of commitment pursuant to section 17a-499, in such a manner so as to only receive a report on the firearm application, permit or certificate status of the person with respect to whom the inquiry is made.

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(2) The Commissioner of Mental Health and Addiction Services shall report to the Commissioner of Emergency Services and Public Protection any commitment status and identifying information for any person who is an applicant for or holder of any permit or certificate under said sections 29-28 to 29-38, inclusive, and section 53-202d <u>and section 2 of this act.</u>

- (3) The Commissioner of Mental Health and Addiction Services shall advise the hospital for psychiatric disabilities to which a person has been committed of the status of a firearm application, permit or certificate of such person under sections 29-28 to 29-38, inclusive, and section 53-202d and section 2 of this act, as reported by the Commissioner of Emergency Services and Public Protection for consideration by such hospital in any psychiatric treatment procedures.
- 161 (4) The Commissioner of Mental Health and Addiction Services and 162 a hospital for psychiatric disabilities shall maintain as confidential any 163 information provided to said commissioner or such hospital 164 concerning the status of a firearm application, permit or certificate 165 under sections 29-28 to 29-38, inclusive, and section 53-202d <u>and</u> 166 <u>section 2 of this act</u>, of any person.
- Sec. 4. Section 29-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):
- The term "pistol" and the term "revolver", as used in sections 29-28 to 29-38, inclusive, <u>and section 2 of this act</u> mean any firearm having a barrel less than twelve inches in length.
- Sec. 5. Subsection (b) of section 29-32b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1*, 2013):
- 175 (b) Any person aggrieved by any refusal to issue or renew a permit 176 or certificate under the provisions of section 29-28 or 29-36f or section 2 177 of this act, or by any limitation or revocation of a permit or certificate

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issued under any of said sections, or by a refusal or failure of any 178 179 issuing authority to furnish an application as provided in section 180 29-28a, may, within ninety days after receipt of notice of such refusal, 181 limitation or revocation, or refusal or failure to supply an application 182 as provided in section 29-28a, and without prejudice to any other 183 course of action open to such person in law or in equity, appeal to the 184 board. On such appeal the board shall inquire into and determine the 185 facts, de novo, and unless it finds that such a refusal, limitation or 186 revocation, or such refusal or failure to supply an application, as the 187 case may be, would be for just and proper cause, it shall order such 188 permit or certificate to be issued, renewed or restored, or the limitation 189 removed or modified, as the case may be. If the refusal was for failure 190 to document compliance with local zoning requirements, under 191 subsection (a) of section 29-28 or section 2 of this act, the board shall 192 not issue a permit.

- 193 Sec. 6. Section 29-36m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):
- 195 The Commissioner of Emergency Services and Public Protection 196 shall adopt regulations in accordance with the provisions of chapter 54 197 to carry out the provisions of sections 18-81i, 29-27, as amended by this 198 act, and 29-28, subsection (a) of section 29-30, section 29-32, subsection 199 (b) of section 29-32b, as amended by this act, sections 29-33, 29-34 and 200 29-36f to 29-36l, inclusive, subsection (a) of section 29-37, subsections 201 (a) and (b) of section 53-202d and section 53a-217c and section 2 of this 202 act.
- Sec. 7. Section 29-38b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):
 - (a) The Commissioner of Emergency Services and Public Protection, in fulfilling his obligations under sections 29-28 to 29-38, inclusive, and section 53-202d and section 2 of this act, shall verify that any person who, on or after October 1, 1998, applies for or seeks renewal of a permit to sell at retail a pistol or revolver, a permit to sell at retail a firearm other than a pistol or revolver, a permit to carry a pistol or

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211 revolver, an eligibility certificate for a pistol or revolver or a certificate 212 of possession for an assault weapon has not been confined in a hospital 213 for persons with psychiatric disabilities, as defined in section 17a-495, 214 within the preceding twelve months by order of a probate court, by 215 making an inquiry to the Department of Mental Health and Addiction 216 Services in such a manner so as to only receive a report on the 217 commitment status of the person with respect to whom the inquiry is 218 made including identifying information in accordance with the 219 provisions of subsection (b) of section 17a-500, as amended by this act.

- (b) If the Commissioner of Emergency Services and Public Protection determines pursuant to subsection (a) of this section that a person has been confined in a hospital for persons with psychiatric disabilities, as defined in section 17a-495, within the preceding twelve months by order of a probate court, said commissioner shall report the status of such person's application for or renewal of a permit to sell at retail a pistol or revolver, a permit to sell at retail a firearm other than a pistol or revolver, a permit to carry a pistol or revolver, an eligibility certificate for a pistol or revolver or a certificate of possession for an assault weapon to the Commissioner of Mental Health and Addiction Services for the purpose of fulfilling his responsibilities under subsection (c) of section 17a-500, as amended by this act.
- Sec. 8. Subsection (d) of section 53-202f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective* October 1, 2013):
- 235 (d) The term "licensed gun dealer", as used in sections 29-37j and 53-236 202a to 53-202k, inclusive, and subsection (h) of section 53a-46a means 237 a person who has a federal firearms license and a permit to sell 238 firearms pursuant to section 29-28 or section 2 of this act.
- Sec. 9. Subsection (b) of section 54-36e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):
- 242 (b) Firearms turned over to the state police pursuant to subsection

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(a) of this section which are not destroyed or retained for appropriate use shall be sold at public auctions, conducted by the Commissioner of Administrative Services or such commissioner's designee. Pistols and revolvers, as defined in section 53a-3, which are antiques, as defined in section 29-33, or curios or relics, as defined in the Code of Federal Regulations, Title 27, Chapter 1, Part 178, or modern pistols and revolvers which have a current retail value of one hundred dollars or more may be sold at such public auctions, provided such pistols and revolvers shall be sold only to persons who have a valid permit to sell a pistol or revolver, or a valid permit to carry a pistol or revolver, issued pursuant to section 29-28. Rifles and shotguns, as defined in section 53a-3, shall be sold only to persons who have a valid permit to <u>sell a firearm other than a pistol or revolver, or persons qualified under</u> federal law to purchase such rifles and shotguns. The proceeds of any such sale shall be paid to the State Treasurer and deposited by the State Treasurer in the forfeit firearms account within the General Fund.

This act shall take effect as follows and shall amend the following sections:				
Section 1	October 1, 2013	29-37g		
Sec. 2	October 1, 2013	New section		
Sec. 3	October 1, 2013	17a-500		
Sec. 4	October 1, 2013	29-27		
Sec. 5	October 1, 2013	29-32b(b)		
Sec. 6	October 1, 2013	29-36m		
Sec. 7	October 1, 2013	29-38b		
Sec. 8	October 1, 2013	53-202f(d)		
Sec. 9	October 1, 2013	54-36e(b)		

PS Joint Favorable Subst.

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The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Correction, Dept.; Judicial Dpt	GF - Potential	See Below	See Below
(Probation)	Cost		
Judicial Dept.	GF - Potential	Less than	Less than
	Revenue Gain	\$10,000	\$10,000

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Municipalities	Revenue Gain	Minimal	Minimal
	Gain		

Explanation

The bill 1) requires gun show promoters to apply to a municipality for a license prior to the gun show, 2) requires firearms dealers to apply to a municipality for a license to sell long guns and to renew that license every five years, and 3) establishes a penalty for violating the bill's provisions concerning long gun sales.

There is a revenue gain, expected to be minimal, to municipalities associated with the \$200 license fee and license renewal fee for retail long gun dealers. It is estimated that there are at least 400 federally licensed¹ retail firearm dealers in the state. If each of these dealers applied for an initial permit on time, there would be an \$80,000 cumulative revenue gain to municipalities in FY 14.

There is an additional minimal revenue gain to municipalities

 $^{^{\}rm 1}$ Based on January, 2013 federal firearm license data from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives

associated with a \$200 fee for a gun show permit. There are, on average, three gun shows each year in the state.

The bill creates a new offense regarding retail sales of long guns. The number of offenders under this provision is unknown but is anticipated to be less than 20. To the extent that offenders are prosecuted under this bill, potential costs for incarceration or probation supervision in the community would result. On average, it costs \$50,690 to incarcerate an offender and \$4,968 (including fringe benefits) to supervise an offender on probation in the community. The bill also results in a potential revenue gain of less than \$10,000 to the Judicial Department for fines associated with this provision.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of licenses issued.

Sources: Department of Emergency Services and Public Protection

United States Bureau of Alcohol, Tobacco, Firearms and Explosives

OLR Bill Analysis sSB 710

AN ACT CONCERNING PERMITS FOR GUN SHOWS.

SUMMARY:

This bill establishes a \$200, five-year local long gun permit for federal firearm licensees (gun dealers) and anyone who sells more than 10 long guns (rifles or shotguns) at retail in a calendar year. Among other things, it requires permittees to document sales, maintain sale records for police inspection, and sell firearms only to people they know personally or who present evidence of their identity. The bill authorizes the commissioner to adopt implementing regulations governing the permit.

The bill replaces the current 30-day gun show notification requirement with a \$200 gun show permit, which the promoter must apply for at least 60 days before a show. The permit-issuing official must determine whether the promoter is suitable to promote gun shows. The permit is valid only for the show for which it issued.

The bill also makes some technical changes.

EFFECTIVE DATE: October 1, 2013

PERMIT TO SELL LONG GUNS

Under federal law, gun dealers must have a federal license to sell firearms. With minor exceptions, if they sell handguns, state law requires them to have a local permit as well, as must anyone who sells more than 10 handguns at retail in any calendar year. The permit is issued by the police chief (or where there is no police chief, the borough warden or first selectman).

The bill requires gun dealers and anyone who sells 10 or more long guns in any calendar year at retail to have a permit to sell long guns. (It appears that this permit would be in addition to the permit to sell handguns, where applicable.) The permit is issued by the same local officials specified above. It may be in such form as may be prescribed by the emergency services and public protection (DESPP) commissioner for selling long guns in the official's jurisdiction.

To get the permit, the applicant must hold a valid eligibility certificate or gun permit and submit documentation to establish that local zoning requirements have been met for the location where the sales are to take place. The bill exempts from the zoning and documentation requirement anyone (1) selling or exchanging long guns for a hobby or to enhance a personal collection or (2) selling his or her personal collection.

Anyone aggrieved by an adverse action on a long gun permit or permit application may appeal to the Board of Firearms Permit Examiners, following existing procedures in statutes for appeals.

Name and Address of Permit Holder Confidential

Under the bill, the name and address of anyone issued a permit to sell long guns are confidential and may be disclosed only to (1) law enforcement officials, including U.S. Probation officers performing their duties and (2) the Department of Mental Health and Addiction Services (DMHAS) commissioner to carry out specified statutory duties pertaining to gun laws.

Sale Restrictions

The bill requires anyone issued a permit to sell long guns to:

- 1. sell them only in the room, store, or place described in the permit;
- 2. keep the certified permit or a copy of it exposed to view in the room, store, or place;

- 3. know the buyer or get proof of his or her identity;
- 4. record all sales in a book kept for that purpose, in such form as prescribed by federal law; and

5. make the book available for inspection at the request of any state or local police officer or investigator assigned to the statewide firearms trafficking task force.

These same restrictions already apply to the sale of handguns under existing law.

Probate Court Commitment Records

As is currently the case for other gun credentials, the bill requires the DMHAS commissioner to make information on commitment orders and status available to the DESPP commissioner to carry out his obligations pertaining to a long gun sale permit. DESPP prescribes the permit application and must verify that anyone who applies to get or renew a permit has not been confined within the preceding 12 months in a psychiatric hospital by probate court order. If the DESPP commissioner determines that the person has been confined in a psychiatric hospital in the previous 12 months, he must report the status of the person's permit application to DMHAS. It requires the DMHAS commissioner to advise the psychiatric hospital to which a person has been committed of the status of a permit application, as reported by DESPP. The DMHAS commissioner and the hospital must keep confidential any such information they receive on the status of permit applications.

Violations

A violation of the provisions of the long gun sale permit is punishable by a fine of up to \$500, imprisonment for up to three years, or both, and any long gun found in the person's possession must be forfeited.

Sale of Firearms at Public Auction

Existing law authorizes the State Police to dispose of contraband

firearms by selling them at public auction. Current law limits the sale of long guns at such auctions to people qualified under federal law to purchase such long guns. The bill allows sales to people with a permit to sell long guns. The legal effect of this is unclear because these people would presumably be qualified to purchase long guns under federal law.

PERMIT FOR GUN SHOW

Under current law, anyone putting on a gun show must give 30 days notice to the police chief in the town where the show is to take place of its date, time, duration, and location. If there is no police chief, the notice goes to the borough warden or first selectman. Instead of the notification, the bill requires the promoter to get a gun show permit. The promoter must submit the permit application at least 60 days before the show to the applicable official, giving the proposed location, date, time and duration of the show and any other information the official deems necessary to determine the promoter's suitability to be a gun show promoter.

If the official deems the applicant is suitable, he or she may issue the permit, which is valid only for the show for which it is issued. If the official deems the applicant unsuitable, he or she must notify him or her in writing not later than 30 days after getting the application. The bill contains no appeal process for someone deemed not suitable.

The \$200 application fee is not refundable unless the permit was denied.

BACKGROUND

Procedures Governing Long Gun Sales at Retail

The law outlines procedures that retailers must follow when selling long guns at retail. With some exceptions, current law prohibits a dealer from selling or transferring a long gun to anyone until (1) two weeks after the application date and (2) the State Police has provided an authorization number for the sale or transfer. Also:

1. upon delivery of the firearm, the person must sign a receipt for it

(currently Form DPS-3-C);

2. within 24 hours of the delivery, the dealer must transfer one copy of the receipt to the DESPP commissioner and one to the police chief (or borough warden or first selectman, where applicable) in the town where the buyer or transferee resides; and

3. the dealer must maintain one copy of the receipt together with the original application for five years.

The law exempts from all these provisions (except the authorization number requirement): (1) transactions with federal marshals and parole and peace officers; (2) anyone who holds a valid eligibility certificate, handgun permit, or hunting license; (3) U.S. Armed Forces members or Reservists, and (4) anyone acquiring antique firearms (CGS § 29-37a).

Related Bills

HB 506, reported favorably by the Public Safety and Security Committee, (1) subjects private or second-hand sales and transfers of long guns to the same degree of regulation as sales and transfers by gun dealers and (2) makes related changes.

SB 897, reported favorably by the Public Safety and Security Committee, (1) requires gun show promoters to notify the DESPP commissioner when they plan to hold a gun show and (2) makes other miscellaneous changes.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute Yea 23 Nay 0 (03/19/2013)